

# EXHIBIT A

1 A. (212) 475-0890.

2 Q. And what is your race or ethnicity?

3 MR. EPSTEIN: Objection.

4 A. Caucasian.

5 Q. Are you registered voter?

6 A. Yes.

7 Q. And where are you registered to vote?

8 A. In Westchester.

9 Q. And what is your voter registration  
10 address?

11 A. 22 Wakeman Road, South Salem, New York,  
12 10510.

13 Q. What political party are you registered to  
14 vote for?

15 A. Democratic.

16 Q. How long have you been registered as a  
17 Democrat?

18 A. Thirty-nine years.

19 Q. And what is your primary address for tax  
20 purposes?

21 MR. EPSTEIN: Objection.

22 A. 22 Wakeman Road, South Salem, New York,  
23 10510.

24 Q. Did you vote in the 2020 presidential  
25 election?

1 A. I did.

2 Q. How did you vote?

3 A. I voted Democratic.

4 Q. Did you vote in person or was it mail? Or  
5 how did you vote for the 2020 presidential election?

6 MR. EPSTEIN: Objection.

7 A. I voted in person.

8 Q. And do you usually go in-person to vote?

9 MR. EPSTEIN: Objection.

10 Q. In the past have you gone in-person to  
11 vote?

12 A. Yes.

13 Q. And did you vote in-person for any  
14 Federal, State or local elections taking place after  
15 the 2020 presidential election?

16 MR. EPSTEIN: Objection.

17 A. I did not.

18 Q. And who did you vote for in the 2020  
19 presidential election?

20 A. Biden.

21 Q. Are you involved locally with any type of  
22 political club or organization?

23 MR. EPSTEIN: Objection.

24 A. No.

25 Q. Are you involved in any political advocacy

1 supposedly meant to sound like an African American  
2 woman that it was African Americans it was targeted  
3 for.

4 Q. Okay. At the time that you received the  
5 robocall were you intimidated by the robocall?

6 MR. EPSTEIN: Objection.

7 A. What do you mean by intimidated?

8 Q. Were you fearful or scared or -- let me  
9 rephrase. Have you ever been intimidated by someone  
10 or anything in your life before?

11 MR. EPSTEIN: Objection.

12 A. Yes, but there are lots of nuances there.  
13 I'm just curious as to what you mean in this case?

14 Q. Apprehensive?

15 MR. EPSTEIN: Objection.

16 A. I'm sorry, apprehensive? To do what?

17 Q. For your -- okay. Were you intimidated or  
18 scared about your physical safety from the robocall?

19 MR. EPSTEIN: Objection.

20 A. I was not.

21 Q. Do you think the robocall was designed to  
22 intimidate?

23 MR. EPSTEIN: Objection.

24 A. Again, can you define, intimidate?

25 Q. So, in the lawsuit you've testified in the

1 complaint that you were intimidated by the robocall.  
2 So, I'm just trying to ask you, how were you  
3 intimidated? If you could explain what you allege  
4 in the complaint?

5 MR. EPSTEIN: Objection.

6 A. I don't recall using that word.

7 Q. Okay. So, you weren't threatened or  
8 intimidated by the robocall?

9 MR. EPSTEIN: Objection.

10 A. Again, I just need more clarification for  
11 threatened or intimidated?

12 Q. It's literally the meaning of being  
13 intimidated. What you allege in the complaint you  
14 felt from the robocall was intimidating?

15 MR. EPSTEIN: Objection.

16 Q. So, is it fair to say you were not  
17 intimidated by the robocall?

18 MR. EPSTEIN: Objection.

19 A. When you ask me if it involved physical  
20 safety I would say, no. So, if you could be more  
21 specific about intimidated?

22 Q. So, you just testified this didn't  
23 intimidate your behavior with voting, you went and  
24 voted in person. Is it fair to say that you were  
25 not intimidated --

1 MR. EPSTEIN: Objection.

2 Q. -- it didn't stop you from voting  
3 in-person?

4 A. It did not intimidate me from voting  
5 in-person.

6 Q. Okay. Why do you believe that African  
7 Americans would be intimidated by the robocall?

8 MR. EPSTEIN: Objection.

9 A. I didn't say that they would be.

10 Q. Okay. At the time you received the  
11 robocall were you threatened by the robocall?

12 MR. EPSTEIN: Objection.

13 A. Again, can you define threatened?

14 Q. It's the plain language meaning of  
15 threatened?

16 MR. EPSTEIN: Objection.

17 Q. Have you ever been threatened in your  
18 life? What was that like?

19 A. My physical safety did not feel  
20 threatened.

21 Q. So, at the time that you received the  
22 robocall were you coerced by the robocall?

23 MR. EPSTEIN: Objection.

24 A. Was it coerced?

25 Q. Correct?

1 A. No.

2 Q. Do you believe that any part or portion of  
3 the robocall was accurate?

4 A. No.

5 Q. Okay. We'll come back and look at the  
6 robocall specifically together.

7 Are you -- what, if anything, do you know  
8 about mail-in voting?

9 A. I don't, I don't know. I have never done  
10 mail-in voting.

11 Q. Any reason why?

12 A. No.

13 Q. Have you seen any news stories about  
14 issues with mail-in voting?

15 MR. EPSTEIN: Objection.

16 A. In the past I've seen some news about  
17 that.

18 Q. In 2020?

19 A. Correct.

20 Q. And what was the gist of it?

21 MR. EPSTEIN: Objection.

22 A. Can you be more specific in your question?

23 Q. In 2020 what was said about mail-in  
24 voting?

25 MR. EPSTEIN: Objection.

1 operations of the CDC.

2 Q. And what, if anything, do you know about  
3 the CDC's protocol for tracking data related to the  
4 spread of Covid-19?

5 A. I'm not privy to how they track data  
6 regarding Covid.

7 Q. And what, if anything, do you know about  
8 the CDC's protocol for tracking data related to the  
9 Covid-19 vaccine?

10 A. I don't know anything about that.

11 Q. And so I want to talk about, a little bit  
12 about -- how did the robocall impact your life? How  
13 were you personally effected by the robocall?

14 MR. EPSTEIN: Objection.

15 A. I felt alarmed, anxious and angry.

16 Q. And why?

17 A. I felt that it was spreading false  
18 information.

19 Q. And have you spoken to anyone from the  
20 Black community who received this robocall?

21 MR. EPSTEIN: Objection.

22 A. No.

23 Q. Prior to receiving this robocall had you  
24 ever heard of Jack Burkman before?

25 A. I had not.

1           A.    I had a reaction, momentarily, that did  
2 make me feel scared, yes.

3           Q.    And why? Can you just explain that?

4           A.    I had some outstanding medical debt that I  
5 was just like kind of questioning because I heard  
6 this said, you know, in the call, I was just  
7 questioning whether that was true or not,  
8 momentarily, and I, yeah.

9           Q.    And then you came to the conclusion that  
10 it was not true?

11          A.    Yes.

12          Q.    And how did you come to that conclusion?

13          A.    I thought about it, then came to that  
14 conclusion.

15          Q.    Do you think the robocall was designed or  
16 created to be scary?

17                MR. EPSTEIN: Objection.

18          A.    Can you be more specific?

19          Q.    Do you believe that the intention behind  
20 creating the robocall was to scare people?

21                MR. EPSTEIN: Objection. Calls for  
22 speculation.

23          A.    I believe the intention was to scare  
24 people away from voting by mail.

25          Q.    Do you think the robocall was designed to

1 robocall?

2 MR. EPSTEIN: Objection.

3 A. I would say some Black populations but not  
4 all.

5 Q. And what training, if any, do you have in  
6 economics?

7 A. None.

8 Q. And how would you define -- or how do you  
9 define, fewer resources, back in paragraph 56?

10 MR. EPSTEIN: Objection.

11 A. I didn't write the document so I can't  
12 say.

13 Q. Now looking at paragraph 58.

14 (Witness peruses document.)

15 Q. What is the basis of your allegation in  
16 paragraph 58 that the language and content of the  
17 robocall was designed to resonate with Black voters?

18 A. I'm guessing that because the narrator was  
19 portrayed as an African American woman that they  
20 were trying to relate to African American receivers  
21 of the call.

22 Q. Okay. So, now moving on, at the time that  
23 you received the robocall did you recognize that the  
24 statements made were allegedly designed to resonate  
25 with Black voters?

1 MR. EPSTEIN: Objection.

2 A. Which Black voters?

3 Q. The Black voters that received the  
4 robocall?

5 A. Could you repeat the question?

6 Q. Sure. So, when you received the robocall  
7 in August did you recognize that the statements were  
8 allegedly made or designed to resonate with Black  
9 voters?

10 MR. EPSTEIN: Objection.

11 A. I can't say that I recognized that they  
12 did. I thought, like, it was likely.

13 Q. And how did you arrive to that conclusion?

14 A. Again, I'd say like the voice of the  
15 narrator. Yeah, I mean, mostly that.

16 Q. And when you say the voice of the narrator  
17 can you just explain what you mean by that?

18 A. Well, as I mentioned, the intonation and  
19 language patterns and such were -- sounded as if it  
20 was from an African American woman. And the name  
21 Tamika sounds more African American than Caucasian.

22 Q. So, what specifically about the African  
23 American community makes you believe that the  
24 language and content of the robocall was designed to  
25 resonate with Black voters?

1 MR. EPSTEIN: Objection.

2 A. I think that any and all of it could  
3 resonate with anybody, right?

4 Q. So, not just Black voters in particular?

5 A. Yeah.

6 Q. And so, now, looking at paragraph 99 in  
7 the complaint, the amended complaint.

8 (Witness peruses document.)

9 Q. So, what is the basis of your allegation  
10 in paragraph 99 that, in short, Burkman and Wohl  
11 have long been engaged in a game of lies and fraud  
12 with the goal of undermining fair and free  
13 elections?

14 A. Can you repeat the first part of the  
15 question?

16 Q. Sure. So, what is basis of the allegation  
17 that you make in paragraph 99 that, in short,  
18 Burkman and Wohl have long been engaged in a game of  
19 lies and fraud with the goal to undermining fair and  
20 free elections?

21 A. You know, I'm not aware of all of their  
22 history but when I did conduct some research to  
23 their Facebook page I found a lot of falsity  
24 regarding the upcoming election.

25 Q. Okay. So, when did you look into either

1 Q. And are you aware that on October 28, 2020  
2 the Court ordered my client to issue a corrected  
3 robocall?

4 A. I am aware.

5 Q. Okay. Are you aware that a corrected  
6 robocall was distributed on October 30, 2020?

7 A. I'm not aware of whether or not it was or  
8 wasn't executed.

9 Q. So, did you receive the Court order  
10 corrected robocall on October 30, 2020?

11 A. I did not.

12 Q. So, as a result of the robocall in August  
13 of 2020 did you sustain any financial losses?

14 A. No -- I'm sorry, could you repeat that  
15 question?

16 Q. Sure. As a result of the robocall that  
17 you received did you sustain any financial losses?

18 A. No.

19 Q. And as a result of the robocall did you  
20 sustain any psychological or emotional injuries?

21 MR. EPSTEIN: Objection.

22 A. I mean I do feel saddened that this sort  
23 of robocall happens and it is, it is distressing to  
24 me.

25 Q. Have you sought any medical -- I'm sorry,

1 have you sought any mental health treatment as a  
2 result of the robocall?

3 A. No.

4 Q. And as a result of the robocall did you  
5 abstain from voting in the 2020 presidential  
6 election?

7 A. No.

8 MS. NICOLE EPSTEIN: So, for exhibit -- do  
9 you have Exhibit M, did your attorney provide  
10 you? I can pull it up on my screen.

11 MR. EPSTEIN: You haven't provided us with  
12 any premarked exhibits. We have what was  
13 produced in discovery.

14 MS. NICOLE EPSTEIN: Exhibit -- the email  
15 from Ms. Sferes to Scott and Paul Robinson.

16 MR. EPSTEIN: It's marked here 01 and 02.

17 MS. NICOLE EPSTEIN: Okay.

18 MR. EPSTEIN: Is that the document you're  
19 talking about?

20 MS. NICOLE EPSTEIN: Yes.

21 MR. EPSTEIN: I have that printed out and  
22 I can show it to her.

23 MS. NICOLE EPSTEIN: And I'm going to want  
24 to mark this Exhibit M for the record.

25 Q. Do you recognize this document?